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Summary of Administrative Review Board Proceedings for ISN 967

The Administrative Review Board was called to order.

The Designated Military Officer (DMO) was sworn.

The Board Reporter was sworn.

The Translator was sworn.

The Detainee entered the proceedings.

The Presiding Officer announced the convening authority and purpose of the Administrative Review Board proceedings.

The Administrative Review Board members were sworn.

The Assisting Military Officer was sworn.

The Presiding Officer read the hearing instructions to the Detainee and confirmed that he understood.

The Assisting Military Officer presented the Enemy Combatant Notification Form, Exhibit EC-A, to the Administrative Review Board.

The Assisting Military Officer presented the Enemy Combatant Election Form, Exhibit EC-B, to the Administrative Review Board.

The Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1, and DMO-2 through DMO-3, other unclassified information to the Administrative Review Board.

The Designated Military Officer stated that a copy of these exhibits had been previously distributed to the Assisting Military Officer and Detainee.

The Designated Military Officer gave a brief description of the contents of the Unclassified Summary of Evidence, Exhibit DMO-1, and DMO-2 through DMO-3, other unclassified information to the Administrative Review Board.

The Designated Military Officer confirmed that he had no further unclassified information and requested a closed session to present classified information relevant to the disposition of the Detainee.

The Presiding Officer acknowledged the request.

ISN 967
Enclosure (5)
Page 1 of 8

21426

UNCLASSIFIED//~~FOUO~~

UNCLASSIFIED//~~FOUO~~

The Presiding Officer opened the Administrative Review Board to the Detainee to present information with the assistance of the Assisting Military Officer.

The Assisting Military Officer read the Detainee's response to the Unclassified Summary of Evidence:

Assisting Military Officer: The Detainee's initial Administrative Review Board interview occurred on 24 June 2005 and lasted 80 minutes. After a review of the Administrative Review Board's purpose and procedures, the Pashtu translation [of the] Unclassified Summary of Evidence was read to the Detainee. The Detainee stated he would like to attend the Administrative Review Board and have the Assisting Military Officer read his response to the Unclassified Summary of Evidence. He was provided a Pashtu translation of the Unclassified Summary to help with his preparation. The Detainee was polite and cooperative during the interview. A follow-up interview was scheduled for 27 June 2005, to allow the Detainee the opportunity to review the translated response to the Unclassified Summary [of Evidence]. The follow-up interview occurred on 27 June 2005 and lasted 35 minutes. The Detainee was given a copy of the translated response to the Unclassified Summary of Evidence for his record. The Detainee was again polite, cooperative and in a jolly, humorous mood. The linguist read back to the Detainee his response to the Unclassified Summary of Evidence to verify that the responses were accurate. In response to the statement that the Detainee was captured outside Lejay Village, Bughran District, Helmand Province, based on suspicion of belonging to a group that had just fired on U.S. Forces, the Detainee stated that he didn't know anything about the gunfight or anything about the Americans. He stated, when I was arrested there was nothing on me not even a needle. In response to the statement that there were indications that the group cached their weapons, maneuvered down a mountain, entered a taxi or mounted motorcycles and proceeded to a checkpoint. The Detainee, along with others, was captured at that checkpoint; the Detainee stated, "I didn't know those people. I have never been on a motorcycle. I paid fare for a small bus to get to the market. That was the night of religious celebration. I was going to buy items for my family." In response to the statement that the Detainee, and those with whom he was captured, suffered from hearing loss. It is assessed that the hearing loss was due to their firing activity; the Detainee stated his hearing was never lost. He was OK. In response to the statement that the Detainee was captured with about 14,500 Pakistani funds, and had multiple documents in his possession, including letters addressed to mid-level Taliban commanders, the Detainee admits to having the money and the letters, but the letters were not for the Taliban. He stated that he didn't know anyone from the Taliban organization. He stated that he had his own letters, and some letters for the Karzai Afghan government. In response to the statement that the Detainee denies that he knew any of the other occupants of the vehicle from which he was captured, the Detainee stated that he doesn't know those people. In response to the statement that the Detainee displays deception when providing information relative to his capture, the Detainee stated, "I never say lies, I cooperated, I said the truth. I never said lies." In response to the statement that the Detainee said that after September 11, 2001, he worked for the Helmand Government as a security guard at the Helmand Airport. He

ISN 967

Enclosure (5)

Page 2 of 8

21427

UNCLASSIFIED//~~FOUO~~

~~UNCLASSIFIED//FOUO~~

shared a weapon with another guard, but he did not know how to use it, the Detainee stated, "Yes, I worked for the airport as a security guard." In response to the statement that the Detainee was identified as being a trained bodyguard for a known leader of Taliban fighters, the Detainee stated that he didn't know anyone in the Taliban organization. In response to the statement that this Taliban leader had a group of about 40 fighters, one of who acted as a spy, and collected information on U.S. and coalition forces in Kandahar, Helmand and Oruzghan, the Detainee stated that he didn't know anything about these things. He denied the first and second part. In response to the statement that the Detainee was captured with an individual who operated an intelligence collection network in support of a former Taliban Chief of Intelligence, the Detainee denied the statement and stated, "I didn't know him and I have never seen him." In response to the statement that the Detainee was captured with an individual who was scheduled to meet with other Taliban leaders to discuss an upcoming jihad against the coalition and the Afghan Transitional Authority, the Detainee denied the allegation and stated he didn't know anything about this person. He stated that he was a poor man busy with his own affairs. In response to the statement that the Detainee was captured with an individual who organized a meeting of senior Taliban officials to discuss military operations against the Afghan Interim Administration, the Detainee denied the statement and stated, "I don't know I have no information about him." In response to the statement that the Detainee is also known as Mula Nasrullah Akhund, the Detainee stated, "Yes, this is customary in my country." In response to the statement that the Detainee was captured carrying records of payments made by Mula Nasrullah Akhund to Mula Saheb, the Detainee stated, "I was in my own area. I was in charge of collecting taxes from the people. I was writing everything on paper. I was in charge of collecting taxes from the passenger buses, because I was literate. I was writing down all the money I got from the people, on a piece of paper and every now and then I would give it to my supervisor. Also when I paid the money to the government agent, he gave me a receipt. These were the papers in my possession." In response to the statement that Mula Saheb has been identified as a long time Taliban member and fighter, the Detainee stated that he didn't know anything about that. He was a government agent. I just gave him the money. In response to the statement that the Detainee claims he never fired a weapon at U.S. forces, the Detainee stated that he agreed with the statement. In response to the statement that, the Detainee claims he was given the documents which were in his possession at the time of capture. He was unaware they were addressed to Taliban commander, and did not know the person who gave him the documents; the Detainee stated that he agreed with this statement. In response to the statement that, the Detainee denied that he had any connection to the Taliban government, or that he passed documents from them, the Detainee stated that he agreed with the statement. In response to the statement that the Detainee states he would like to return to his country of origin, where he would continue to support the U.S., the Detainee stated that he agreed with that statement. The Detainee stated, "I was a poor person, doing my own farming for my family." The Detainee also stated "I am not against anybody, since the Americans put me in jail that's my fate, that was a mistake." The Detainee also stated, that "the day he was arrested was a religious festival he was going to buy rice for his family. We have two religious festivals, one is Ramadan and the other is when people go to Mecca." The Detainee also stated, "I am

ISN 967
Enclosure (5)
Page 3 of 8

21428

~~UNCLASSIFIED//FOUO~~

UNCLASSIFIED//~~FOUO~~

innocent; my father has deceased 10 years ago. I am responsible for his family as well as my own. I am the only provider for the family. I am the oldest."

The Presiding Officer asked the Detainee if he wishes to make a statement under oath. (Muslim oath offered).

The Detainee declined taking the (Muslim) oath.

The Detainee made the following statement:

Detainee: The day I was arrested nothing was in my possession, not even a needle. When somebody is a combatant enemy, he should have a weapon in his possession. They blame me. You're caught with other people who are enemies or who are fighting against the Americans. I don't know about them. I don't know them. I was going to the market to buy some things for my family. I'm not responsible for that. There is an accusation against me. I was a security guard in the airport, but I work [ed] this job for [the] current government of Afghanistan.

Presiding Officer: Karzai government?

Detainee: Yes. [The] Karzai government. Wherever [government] is written in my statement, this is [referring to the Afghanistan] current government.

Presiding Officer: I understand, sir. Anytime in your statement that mentions government you wish to make it clear to us that you are referring to the Karzai government, the current government in Afghanistan.

Detainee: Exactly.

Presiding Officer: Very well.

Detainee: I was a poor person. When the Karzai came to power, he helped me and other poor people. We were so happy with the Americans and Karzai government, that's why I become a soldier with the government, but I didn't know [that] eventually, I would come to Cuba.

Presiding Officer: Very well. Do you have any other statements you'd like to make?

Detainee: Yes, again. I was collecting taxes in [the] Bughran area. It was my intentions to state that I was working for the Karzai government, the current [Afghanistan] government, I was collecting taxes [for].

Presiding Officer: Very well. We understand. Does this conclude your statement?

Detainee: Yes, my statement is done. I am ready if you have some questions. I will respectfully answer your question.

ISN 967
Enclosure (5)
Page 4 of 8

21429

UNCLASSIFIED//~~FOUO~~

UNCLASSIFIED//~~FOUO~~

Presiding Officer: We will get to those questions in a few moments.

The Assisting Military Officer had no questions for the Detainee.

The Designated Military Officer had no questions for the Detainee.

Administrative Review Board Member's questions:

Board Member: Mr. Nasrullah, it says in your statement that you suffered from a hearing loss and the people with you suffered from a hearing loss.

Detainee: I didn't make this statement. I've always been healthy; I never had any problems with my hearing.

Board Member: Did they try to administer any type of a hearing determination on you?

Detainee: If I knew anything I would tell. If I don't know anything, I don't. I'd say I don't know, but this is an accusation. I never had any problems with my hearing.

Board Member: You had an amount of money with you at the time [you were arrested]. Was that your money?

Detainee: It was mine. I work[ed] for it and that was my money. That was money for food for my family.

Board Member: You said that you had gotten onto a bus. Were there already other people on the bus when you got on there?

Detainee: Yes.

Board Member: Were any of those other people detained?

Detainee: No, I don't know about [the] other people. There were a lot of people that were arrested. There were a lot of people, [who] got out from every car. They were all, at the beginning, arrested. Some people were released, some people... I don't know anything about them. When I got on the bus I asked the bus driver, "How much was the fare?" Then I was sitting on the bus [and] we reached the checkpoint. Americans and other soldiers were standing there and they said, "everybody down." We got down and I was arrested. I don't know how many people were released [or] how many were arrested.

Board Member: When you worked as a security guard, what kind of a weapon did you have?

Detainee: I really don't know what kind of gun it was, but it was not only for me. It was for another person too. We both used one gun in the terminal because when he was

ISN 967
Enclosure (5)
Page 5 of 8

21430

UNCLASSIFIED//~~FOUO~~

UNCLASSIFIED//~~FOUO~~

guarding he was taking it, [and] when I was guarding I was taking it. I don't know anything about the gun. I don't know anything. I don't know what kind of gun was it.

Board Member: Did someone show you how to load the gun?

Detainee: No, I didn't know how to load a gun. The plane was coming and unloading the wheat and other things at the airport. I had the security of Americans and airplanes. I was keeping the security of airplanes and Americans and they always brought something to the airport and send it to another area, so I was helping with them.

Board Member: In discussing the documents that you had...who gave you the documents?

Detainee: That was something, like accounting, when I was collecting money from the people I was writing it. When I gave it to a government agent, I would take a receipt from him and some of them were white papers and some of them belong to the Karzai government.

Board Member: Mr. Nasrullah can you tell me about your village?

Detainee: Are you asking me where I'm from?

Board Member: I'd like you to tell me how large your village is? What it's like?

Detainee: I really don't know, but I believe there was 14 or 15 houses there. I cannot count my family at this moment. So I don't know...there was 14, 15, 16 houses.

Board Member: Was there a Mosque?

Detainee: Yes, wherever there is a Muslim living, there is a Mosque.

Board Member: And you were Mulla?

Detainee: No, I'm not Mulla, but I learned reading and writing. Yes, there are people [who are] saying a school. Yes, I went to school.

Board Member: How far away is the airport from your village?

Detainee: I was living in a mountain but the airport was in the province. If you take a bus or a car or something from morning you will reach there in the night.

Board Member: How did you get the job at the airport?

Detainee: When the Karzai took the power, he needed people and also because my governor needed people to work for them. That's why they ask me if I was able to come and work. I applied for the job and I got it. Whoever was happy with this government they got a job.

ISN 967
Enclosure (5)
Page 6 of 8

21431

UNCLASSIFIED//~~FOUO~~

UNCLASSIFIED//~~FOUO~~

Board Member: Did you ever hear of the Taliban prior to your arrest?

Detainee: No, I don't know anything about the Taliban government. When the Karzai [government] came into power, he was helping poor people. So our governor told us to come and join [them] and later we [will] give you uniforms and we [will] give you this and that, so I was unable to reach that point.

Board Member: If you were to return home, what would you do?

Detainee: I will go to my home, but if the government wants me, [or] they want my services; I'm ready to work for them. As a soldier...as anything! [If] they want me [to] I will work for them!

Board Member: Thank you.

Presiding Officer: First, you said you came from the village in the mountain and came to the airport and while there at the airport you started collecting taxes in the vicinity of the airport, do I understand correctly?

Detainee: No, I was a security guard there.

Presiding Officer: When did you become a tax collector?

Detainee: First, I was two months in province. In the center of province, I was a security guard. I was working for the government and I was helping Americans and other people. I was maintaining security. Then I moved back to my own village to see how my family [was] doing. Then the governor of the province... he called me and he said if that place is too far for you and you're not going. [He said] I could work in my own area... So he gave me the job in my own area to collect taxes.

Presiding Officer: Did you recognize any of the men in the bus that you got on that day?

Detainee: No, I didn't know anyone. This is the bus; people pay fare and everybody [goes] anywhere they want. I did the same thing. The people that were there, they are not from my village. I didn't know anyone.

Presiding Officer: Very well.

The Presiding Officer read the post-Administrative Review Board instructions to the Detainee and adjourned the open session of the Administrative Review Board.

The Presiding Officer opened the classified portion of the session.

The Presiding Officer adjourned the classified portion of the session and the Administrative Review Board was closed for deliberation and voting.

ISN 967
Enclosure (5)
Page 7 of 8

21432

UNCLASSIFIED//~~FOUO~~

UNCLASSIFIED//~~FOUO~~

AUTHENTICATION

I certify the material contained in this transcript is a true and accurate summary of the testimony given during the proceedings.



Captain, USN
Presiding Officer

21433

UNCLASSIFIED//~~FOUO~~

ISN 967
Enclosure (5)
Page 8 of 8